THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.26721 of 2007

DATED: 14.12.2007

Between:

T. Nageswara Rao

.. Petitioner

And

The A.P. State Housing Corporation Ltd. rep. by the District Collector/Executive Director, VUDA Buildings, Visakhapatnam District.

.. Respondent

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.26721 of 2007

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondent in placing the petitioner under suspension, vide proceedings dated 26.02.2007, in Rc.No.28/2007/E, as arbitrary and illegal.

2. Under the proceedings, dated 26.02.2007, the petitioner, who was working as Technical Work Inspector in the respondent Corporation, was placed under suspension, on the allegation that he has tampered the payment release orders pertaining to 10 beneficiaries of Devada village and 35 beneficiaries of Maddivanipalem village, UPH scheme 2005-06. While so, the grievance of the petitioner is that his duty, being a Technical Work Inspector, is only to supervise the construction work taken up by the Corporation and he is no way connected with preparing and issuing payment release orders in favour of beneficiaries. In fact, it is the Assistant Engineer, who conducts inspection, prepares list of eligible persons i.e. beneficiaries and submits the same to the bank directly. Therefore, he is nothing to do with the alleged irregularities and placing him under suspension for the same is arbitrary and illegal.

3. The learned counsel for the petitioner states that the charges

framed are only trivial in nature and they do not warrant suspension of the petitioner from service.

4. Be that as it may, now it is more than nine months since the petitioner was placed under suspension and, according to the learned counsel for the respondent, enquiry officer has already been appointed and enquiry has been commenced.

5. In the facts and circumstances of the case, without expressing any opinion on merits, the respondent is directed to complete the enquiry contemplated against the petitioner, within a period of three months from the date of receipt of a copy of this order, and, if the enquiry is not completed within three months, the petitioner shall be reinstated into service forthwith.

6. With the above directions, the writ petition is disposed of. No order as to costs.

JUSTICE C.V. RAMULU

14th December, 2007.

Note:-
Issue CC in one week.

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